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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/241,735	02/02/1999	HIROAKI KIMURA	1776/00034	9109

30678 7590 04/08/2003

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WASHINGTON, DC 20036-3425

EXAMINER

FERRIS III, FRED O

ART UNIT	PAPER NUMBER
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2123

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DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKETT NO.
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EXAMINER

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DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Larry Hume (3) _____
(2) Kevin Teska (4) _____

Date of interview Feb 26, 2003

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No. If yes, brief description: _____

Agreement ☐ was reached with respect to some or all of the claims in question. ☐ was not reached.

Claims discussed: N/A

Identification of prior art discussed: N/A

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr Hume contacted the office for clarification of Notice of Defective Brief. The purpose of the Notice of Defective Brief was because the summary (at 17 pages) was not "a concise explanation of the invention defined in the claims involved in the appeal. This explanation is

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.) (continued)

☐ 1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ 2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.

Kevin Teska
Examiner's Signature

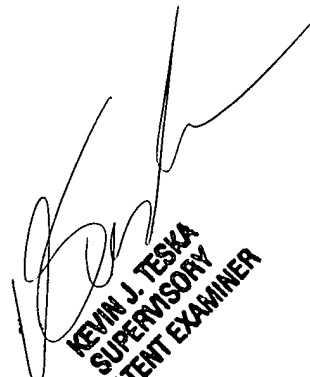
(continuation of interview summary sheet)

required to refer to the specification by page and line number, and, if there is a drawing, to the drawing by reference characters... While reference to page and line of the specification may require somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application". (37 CFR 1.192(c)(5)). Appellant does refer to the specification within the summary, but does not attach reference as to which claim and limitation within that claim the discussion is directed. Correction is required.

Mr. Hume also questioned the "defect" by incorporating petitionable issues into the Brief. Mr. Hume believes the objection to the incorporation by reference is tied to the 112(1) issue and thus included it in the Brief. Mr. Hume could not see why a notice of defective brief would be issued for incorporation of a petitionable issue into the brief. Mr. Teska indicated that if the "defect" was only the incorporation of a petitionable issue into the brief, the answer would have been written and the petitionable issue would have been noted in the answer then withdrawn from consideration. However, since the Office was sending out a Notice of Defective Brief due to non-compliance with 37 CFR 1.192(c)(5) – defective summary - , the objection to the petitionable issue was included.

Finally Mr. Hume questioned what ground the 112(1) was based upon (i.e. enablement or written description)? Reading the rejection and response to arguments, Mr. Hume and Mr. Teska agreed that it appeared to be directed to "inadequate written description". Mr. Hume will present arguments on that basis.

Mr. Hume will submit a substitute Brief in due course.


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER